

★ Roll Call Number

11-1148

Agenda Item Number

49

Date June 27, 2011

WHEREAS, on June 13, 2011, by Roll Call No. 11-0989, the City Council duly resolved to consider a proposal from Quik Trip Corporation to rezone certain property located in the vicinity of 2300 East 14<sup>th</sup> Street from the Limited C-1 Neighborhood Commercial District classification to the C-1 Neighborhood Commercial District classification to repeal the condition that there shall be no extension of the parking onto any of the adjoining residentially zoned land to serve any use upon the Property, except for a maximum of seven (7) parking spaces which shall observe a fifty (50) foot setback from the East 14<sup>th</sup> Street right-of-way. This will allow for a proposed off-street parking extension into residentially zoned property located at 2322 East 14<sup>th</sup> Street. Such proposal was set down for hearing on June 27, 2011, at 5:00 P.M., in Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on June 16, 2011, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 2300 East 14<sup>th</sup> Street, more fully described as follows (the Property):

Lot 4 and the South 17.00 feet of Lot 5, Block 5, Arlington Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the Limited C-1 Neighborhood Commercial District classification to the C-1 Neighborhood Commercial District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning to the C-1 Neighborhood Commercial District classification be approved.

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

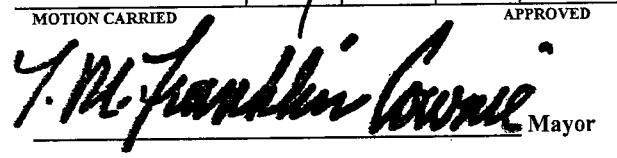
1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning are hereby overruled, and the hearing is closed.
2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.
3. The proposed rezoning of the Property from the Limited C-1 to the C-1 District classification is hereby approved.

MOVED by Mahaffey to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

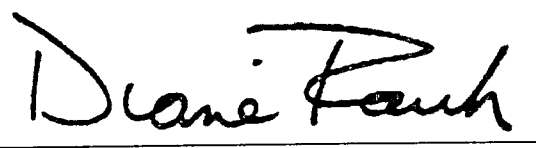
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED APPROVED  
  
 Y. M. Franklin  
 Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

  
 Diane Rauh  
 City Clerk